IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital: the 03rd day of December, 2007

Criminal Bail Application No. 1294 of 2007

Order on the Bail application of accused.

CRIMINAL SIDE

Ganesh Pant S/o Bali Ram Pant,
R/o Village Panikheel (Bajkot) Patti Kandarsyun,
Tehsil Thailisain District Pauri Garhwal.

……Applicant (In jail)

Versus

State of Uttarakhand

……..Opposite Party

Arising out of case Crime No. 03 of 2007
Under sections 302/323/427/506 I.P.C.
Patwari Circle Dhaijuli I Tehsil Thelisain, District Pauri Garhwal.

Hon'ble Dharam Veer, J.

Heard Sri D.C.S. Rawat, learned counsel for the applicant and Sri Harish Pujari, leaned Addl. Government Advocate for the State.

In brief the prosecution case is that on 1.09.2007, the dead body of Santosh was recovered and the F.I.R. was lodged against the unknown person on 2.09.2007 at 8:00 A.M. in Patti Dhaijuli, District Pauri Garhwal. Learned counsel for the applicant has submitted that the only evidence against the applicant is that during the traveling, driver and the deceased passenger Santosh had quarreled for certain reasons and due to the quarrel, Santosh received the injures and later on he died. He has further submitted that whatever the allegations have been shown against the applicant, they show that whatever the incident happened, that was happened due to sudden provocation and there was no motive or intention of the applicant to cause the injuries to deceased Santosh. He has further submitted that the applicant is in jail since 18.09.20007 and he has got no criminal history before this case. He has further submitted that the co-accused Narendra Singh has been released on bail by this Court on 26.11.2007 and on the basis of parity the present applicant is also entitled for bail.

After considering all the facts and circumstances, without expressing any opinion about the final merit of the case, this court is of the view the present applicant deserves bail at this stage.

Let applicant Ganesh Pant be released on bail on his executing personal bond and furnishing two sureties each in the like amount to the satisfaction C.J.M. Pauri Garhwal.

The bail application is disposed of accordingly.

(Dharam veer, J.)

December 03, 2007

ARTI